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In re Application of
GRUITROIJ et al.
U.S. Application No. 09/936,632
PCT No.: PCT/NL00/00163
Int. Filing Date: 10 March 2000
Priority Date: 11 March 1999
Attorney Docket No.: 30394-1057

For: APPARATUS FOR THE INTERNAL
INSPECTION OF PIPES AND TUBES
AND THE LIKE

DECISION ON REQUEST

This decision is in response to applicants' "Response to Petition" which is being treated as a Renewed Petition under 37 CFR 1.497(d) filed 05 June 2002.

BACKGROUND

On 10 March 2000, applicants filed international application No. PCT/NL00/00163 which claimed a priority date of 11 March 1999 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 14 September 2000. The international application named Leonardus Johannes Gruitroij, Christiaan Willem Schomper, and Jurgen Francois Elbertse as applicants/inventors. A Demand for international preliminary examination was filed prior to 19 months from the priority date. Accordingly, the thirty-month period for paying the basic national fee expired at midnight on 11 September 2001.

On 12 September 2001, applicants filed a transmittal letter for entry into the national stage accompanied by, *inter alia*: the requisite basic national fee; a copy of the international application; and an unexecuted declaration.

On 07 November 2001, the United States Designated/Elected Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 21 February 2002, applicants filed "Petition under 37 CFR 1.497(d) to Correct Inventorship," an executed declaration and power of attorney; and a petition for a two-month extension of time. The petition under 37 CFR 1.497(d) was dismissed in a decision dated 28 March 2002.

On 05 June 2002, applicant filed the present renewed petition.

DISCUSSION

In the instant case, the international application named Leonardus Johannes Gruitroij, Christiaan Willem Schomper, and Jurgen Francois Elbertse as applicants/inventors. Applicants request to delete Jurgen Francois Elbertse as an applicant/inventor and add Sieman Roelof van der Heide and Joost Martinus Parent as applicants/inventors. In order to correct an error in naming the inventor(s) made during the international stage in the national stage, a submission under 37 CFR 1.497(d) is required.

A submission under 37 CFR 1.497(d) to correct an error in naming inventorship requires: (1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part; (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.497(a); (3) the fee set forth in 37 CFR 1.17(i); and (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b). Applicants have satisfied items (1), (2) and (3).

In regards to item (4), applicants have submitted a written consent of assignee to the correction in inventorship in compliance with 37 CFR 3.73(b).

CONCLUSION

The request under 37 CFR 1.497(d) is GRANTED.

A review of the application papers reveals that applicants have completed all the requirements of 35 U.S.C. 371 for entry into the national stage. This application will be given an international application filing date of 10 March 2000 and a date of **21 February 2002** under 35 U.S.C. 371.

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.



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